

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

AARON D. WEGNER (CABN 243809)  
Assistant United States Attorney

450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-7234  
E-Mail: aaron.wegner@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3-12-71126-MAG
	)	
Plaintiff,	)	<del>[PROPOSED]</del> ORDER AND
	)	STIPULATION FOR CONTINUANCE
v.	)	FROM OCTOBER 19, 2012 TO
	)	NOVEMBER 30, 2012 AND EXCLUDING
LEONCIO GONZALEZ-BARRAGAN,	)	TIME FROM THE SPEEDY TRIAL ACT
	)	CALCULATION (18 U.S.C. §
Defendant.	)	3161(h)(8)(A)) AND WAIVING TIME
	)	LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of November 30, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from October 19, 2012 to November 30, 2012. The parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The government is producing discovery in the case and

1 defense counsel needs time to review the discovery.

2 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for  
3 preliminary hearing.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
5 client's best interest, and that it is not in his client's interest for the United States to indict the  
6 case during the normal 14-day timeline established in Rule 5.1.

7 5. The Court finds that, taking into the account the public interest in the prompt  
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
10 the Court finds that the ends of justice served by excluding the period from October 19, 2012 to  
11 November 30, 2012, outweigh the best interest of the public and the defendant in a speedy trial.  
12 18 U.S.C. § 3161(h)(8)(A).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
14 hearing date before the duty magistrate judge on November 30, 2012, at 9:30 a.m., and (2) orders  
15 that the period from October 19, 2012 to November 30, 2012, be excluded from the time period  
16 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial  
17 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18  
19 IT IS SO STIPULATED:

20  
21 DATED: October 15, 2012

/s  
\_\_\_\_\_  
PHIL SCHNAYERSON  
Attorney for Defendant

22  
23  
24 DATED: October 15, 2012

/s  
\_\_\_\_\_  
AARON D. WEGNER  
Assistant United States Attorney

25  
26 IT IS SO ORDERED.

27  
28 DATED: 10/16/12

\_\_\_\_\_  
JUDGE JOSEPH C. SPERO  
United States Magistrate Judge  
NORTHERN DISTRICT OF CALIFORNIA